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Attorneys for Defendant  
SABA SOFTWARE, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IP LEARN, LLC,

Plaintiff,

v.

SABA SOFTWARE, INC.;  
and DOES 1-19,

Defendant.

No. C-02-2634 JW

**DECLARATION OF FREDERICK S.  
CHUNG IN SUPPORT OF SABA'S  
OPENING BRIEF ON THE INITIAL  
CLAIM CONSTRUCTION OF IP  
LEARN'S PATENTS**

Date: February 7, 2003  
Time: 9:00 a.m.  
Room: 8, 4th Floor  
Before: Hon. James Ware

1 I, Frederick S. Chung, hereby declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California and an  
3 associate in the law firm of Morrison & Foerster LLP, counsel of record for defendant Saba  
4 Software, Inc. ("Saba") in this action. I make this declaration in support of the Saba's Opening  
5 Brief on the Initial Claim Construction of Plaintiff IP Learn, LLC's ("IP Learn's") Patents.

6 2. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. 5,779,486  
7 (the "486 patent").

8 3. Attached hereto as Exhibit 2 is a true and correct copy of U.S. Patent No. 5,934,909  
9 (the "909 patent").

10 4. Attached hereto as Exhibit 3 is a true and correct copy of U.S. Patent No. 6,118,973  
11 (the "973 patent").

12 5. Attached hereto as Exhibit 4 is a true and correct copy of U.S. Patent No. 6,126,448  
13 (the "448 patent").

14 6. Attached hereto as Exhibit 5 is a true and correct copy of U.S. Patent No. 6,398,556  
15 (the "556 patent").

16 7. Attached hereto as Exhibit 6 is a true and correct copy of the Court's Revised  
17 Scheduling Order, dated November 25, 2002.

18 8. Attached hereto as Exhibit 7 is a true and correct copy of Saba's Proposed Claim  
19 Terms and Claim Elements for Construction, dated December 4, 2002.

20 9. Attached hereto as Exhibit 8 is a true and correct copy of IP Learn's Proposed Claim  
21 Terms and Claim Elements for Construction, dated December 31, 2002.

22 10. Attached hereto as Exhibit 9 is a true and correct copy of excerpted pages from  
23 Merriam-Webster's Collegiate Dictionary, Tenth Edition (1993).

24 11. Attached hereto as Exhibit 10 is a true and correct copy of excerpted pages from the  
25 SuccessMaker Instructional Management Handbook, published by Computer Curriculum  
26 Corporation (1993).

27 12. Attached hereto as Exhibit 11 is a true and correct copy of excerpted pages from the  
28 PC Novice Guide to Selecting Software, Vol. 3, Issue 12 (1995).

